

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1089

AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 36-4-3-4.1, AS AMENDED BY P.L.111-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.1. (a) This section applies to the following:

(1) A town having a population of:

(A) more than fifteen thousand (15,000); or

(B) more than five thousand (5,000) but less than six thousand three hundred (6,300);

located in a county having a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000);

(2) A city having a population of more than thirty-two thousand eight hundred (32,800) but less than thirty-three thousand (33,000);

(3) A municipality that is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);

(4) A town having a population of more than nine thousand (9,000) but less than thirty thousand (30,000) located in a county having a population of more than one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790);

(5) A town located in a county that contains a racetrack

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sanctioned by a nationally chartered and recognized auto racing organization:

(6) ~~A town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000):~~

(7) ~~A town having a population of more than one thousand five hundred (1,500) but less than one thousand nine hundred (1,900) located in a county having a population of more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000):~~

(8) ~~A town located in a township that:~~

~~(A) borders the Muscatatuck River; and~~

~~(B) has a canning factory.~~

~~(b) (a) Except as provided in subsection (c); The legislative body of a municipality to which this section applies may, by ordinance, annex territory that:~~

~~(1) is contiguous to the municipality;~~

~~(2) in the case of a municipality described in subsection (a)(1)(A) or (a)(1)(B); town having a population of more than:~~

~~(A) fifteen thousand (15,000); or~~

~~(B) five thousand (5,000) but less than six thousand three hundred (6,300);~~

~~located in a county having a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000), has its entire area within the township within which the municipality town is primarily located; and~~

~~(3) is owned by a property owner who consents to the annexation.~~

~~(c) Subsection (b)(2) does not apply to a town having a population of:~~

~~(1) more than five thousand (5,000) but less than eight thousand (8,000); or~~

~~(2) more than nine thousand (9,000) but less than twelve thousand five hundred (12,500);~~

~~in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):~~

~~(d) (b) Territory annexed under this section is exempt from all property tax liability under IC 6-1.1 for municipal purposes for all portions of the annexed territory that are classified for zoning purposes as agricultural and remain exempt from the property tax liability while the property's zoning classification remains agricultural. However, if the annexation ordinance annexing the territory is adopted after~~

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**June 30, 2006, the property tax liability under IC 6-1.1 for municipal purposes may be exempted for a period of not more than ten (10) years.**

~~(e)~~ (c) There may not be a change in the zoning classification of territory annexed under this section without the consent of the owner of the annexed territory.

~~(f)~~ (d) ~~Except as provided in subsection (g);~~ Territory annexed under this section may not be considered a part of the municipality for purposes of ~~involuntarily~~ annexing additional territory **under section 3 or 4 of this chapter.** ~~(g)~~ **However,** territory annexed under this section shall be considered a part of the municipality for purposes of annexing additional territory under section 5 or 5.1 of this chapter.

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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